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12 *Whole Foods Market, Inc.*

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JONATHAN RETTA, KIRSTEN
SCHOFIELD, and JESSICA MANIRE,
on Behalf of All Others Similarly
Situated

Plaintiff(s),

v.

MILLENNIUM PRODUCTS, Inc. and
WHOLE FOODS MARKET, Inc.,

Defendants.

Case No. 2:15-CV-01801-PSG-AJW

**[PROPOSED] ORDER GRANTING
DEFENDANT WHOLE FOODS
MARKET, INC.'S MOTION TO
DISMISS PLAINTIFF'S FIFTH
AMENDED COMPLAINT**

Judge: Hon. Philip S. Gutierrez

Date: September 12, 2016

Time: 1:30 pm

Courtroom: 880

1 On September 12, 2016, Defendant Whole Foods Market, Inc.'s Motion to
2 Dismiss Plaintiff's Fifth Amended Complaint, brought pursuant to Federal Rules of
3 Civil Procedure 12(b)(2) and 12(b)(6), came on regularly for hearing before the
4 Court, the Honorable Philip S. Gutierrez presiding. Having considered Defendant's
5 Motion and all other supporting and opposing arguments and papers, and good cause
6 appearing:

7 **IT IS HEREBY ORDERED** that Defendant Whole Foods Market, Inc.'s
8 Motion is GRANTED as follows:

9 1. Plaintiff's Fifth Amended Class Action Complaint is dismissed with
10 prejudice as it concerns Defendant Whole Foods Market, Inc. for the
11 following reasons:

12 a. The Court does not have personal jurisdiction over Defendant
13 Whole Foods Market, Inc.; and
14 b. Plaintiffs fail to sufficiently allege Defendant Whole Foods Market,
15 Inc.’s involvement in and control over the alleged misconduct.

17 || IT IS SO ORDERED.

19 || Dated:

THE HONORABLE PHILIP S.
GUTIERREZ
UNITED STATES DISTRICT JUDGE